

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

BOB BROWN, HAILEY SINOFF, and  
DONALD SEIFERT,

Plaintiffs,

vs.

CHRISTI JACOBSEN, in her official  
capacity as Montana Secretary of State,

Defendant.

CV 21-92-H-PJW-DWM-BMM

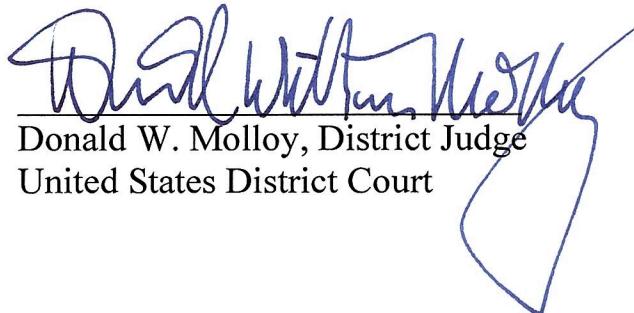
ORDER

Plaintiffs filed an application for taxable costs, (Doc. 46), and moved for attorney fees in this case, (Doc. 47). The application for taxable costs includes a request for \$502 based on clerk fees and fees related to the service of summons and subpoena. (Doc. 46.) The motion for attorney fees includes a request for such fees, but it also includes “other costs and expenses appropriately left out of the bill of costs.” (Doc. 48 at 23.) These costs total approximately \$7,500. (*Id.* at 26.) The defendant filed a motion “for an extension of time in which to prepare, file, and serve her response brief to Plaintiffs’ Motion for Attorney’s Fees,” (Doc. 49 at 1), and subsequently cited the application for taxable costs in addition to Plaintiffs’ motion for attorney fees and brief in support. The defendant’s motion for an extension of time to respond to the motion for attorney fees was granted, and a new

response deadline of April 21, 2022, was implemented. (Doc. 50.) After the order granting the request for an extended response deadline was entered, the Clerk of Court taxed costs in the amount of \$502 against the defendant. (Doc. 51.)

To clarify, the March 31, 2022 order granting the extension of the response deadline applies to the defendant's response to Plaintiffs' request for attorney fees and request for non-taxable costs. The order does not apply to Plaintiffs' request for taxable costs as authorized by statute. Moreover, the award of \$502 in taxable costs to Plaintiffs does not preclude the defendant from challenging any of Plaintiffs' requested non-taxable cost amount.

DATED this 6<sup>th</sup> day of April, 2022.

  
Donald W. Molloy, District Judge  
United States District Court